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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,685	01/11/2001	Joseph Oreste Carnali	C6578(C)	9593

201 7590 02/05/2003

UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,685

Applicant(s)

CARNALI ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is a response to applicant's amendment filed on November 27, 2002. By amendment, applicant has amended claims 1, 3, 7 and 12. Currently, claims 1-12 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 2.
3. The rejection of claims 1-12 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 1-12 under 35 U.S.C. 102(b) as being anticipated by Zhou et al, EP 851,022 A2, is maintained for the reasons of record.
5. The rejection of claims 1-12 under 35 U.S.C. 102(e) as being anticipated by Binstock et al, U.S. Patent No. 5,958,855, is withdrawn in view of applicant's amendments and remarks.
6. The rejection of claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of Zhou et al, U.S. Patent No. 6,210,600, is maintained for the reasons of record.

NEW GROUNDS OF REJECTION

Claim Objections

7. Claims 1-11 are objected to because of the following informalities: The term "meaterial" in newly amended claim 1 should be amended to recite "material" for grammatical purposes. Instant claims 2-11 are objected to for being dependent upon claim 1. Appropriate correction is required.

Response to Arguments

8. Applicant's arguments filed November 27, 2002 have been fully considered but they are not persuasive.

Applicant argues that Zhou et al, EP 851,022 A2, does not disclose the delivery of an anti-scaling polymer to the penultimate/final rinse cycle steps. However, the examiner respectfully points out to applicant that Zhou et al, EP 851,022 A2, does indeed teach this limitation. Specifically, the examiner notes that Zhou et al, EP 851,022 A2, discloses that "The rinse aid composition is designed for use in the final rinse steps of the machine dishwashing operation, separately from the detergent composition used in the main wash cycle" (see page 1, lines 11-12 & page 15, lines 19-30 of Zhou et al, EP 851,022 A2), per the requirements of the instant invention. Therefore, the examiner maintains that instant claims 1-12 are anticipated by Zhou et al, EP 851,022 A2.

Applicant argues that Zhou et al, U.S. Patent No. 6,210,600, does not teach that the rinse aid composition is released in the penultimate/final rinse cycle steps.

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However, the examiner respectfully points out to applicant that Zhou et al, U.S. Patent No. 6,210,600, does indeed teach this limitation. Specifically, the examiner notes that Zhou et al, U.S. Patent No. 6,210,600, claims that "the rinse aid is introduced during the rinse cycle of the machine dishwasher to inhibit scale formation" (see col. 17, claim 1b of Zhou et al, U.S. Patent No. 6,210,600), per the requirements of the instant invention.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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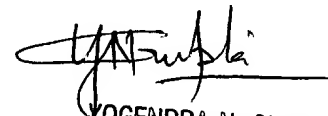
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BIM

Brian Mruk
January 28, 2003


YOGENDRA N. GUPTA
SUPERVISORY DATE IT EXAMINER
TECHNOLOGY CLASS 1700